



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 2345-00  
13 July 2000

[REDACTED]

D [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 2 June 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
2 NAVY ANNEX  
WASHINGTON, DC 20380-1775

2345-00  
IN REPLY REFER TO:

1070

JAM3

02 JUN 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) APPLICATION  
IN THE CASE OF FORMER CORPORAL [REDACTED]  
[REDACTED] U.S. MARINE CORPS

1. We are asked to provide an opinion on Petitioner's request to remove from his Official Military Personnel File the service record book (SRB) entry that documents the nonjudicial punishment (NJP) that he received on 1 February 1953.
2. We recommend that the requested relief be denied. Our analysis follows.
3. Background. On 1 February 1953, Petitioner was punished at NJP for insubordinate conduct towards a noncommissioned officer, in violation of Article 91, Uniform Code of Military Justice (UCMJ). He was awarded 28 hours of extra duties. On 5 January 1954 Petitioner was discharged from active duty with an honorable discharge. On 21 March 2000, Petitioner alleges that he discovered the NJP in his record. He now requests relief, contending that he never received NJP.
4. Analysis. On 1 February 1953, an entry was made into Petitioner's SRB recording the NJP proceeding. While Petitioner alleges that the offense never occurred, a presumption of regularity attaches to official records, and Petitioner offers no evidence to overcome this presumption. Further, essential facts contained in the page 12 entry are corroborated by the contents of Petitioner's SRB (i.e., name and unit). Accordingly, Petitioner's argument has no merit.
5. Conclusion. While Petitioner's overall record shows honest and faithful service, for the reasons noted we recommend that the requested relief be denied.

[REDACTED]  
[REDACTED]  
Head, Military Law Branch  
Judge Advocate Division